

## REMARKS

As a preliminary matter, Applicant respectfully requests entry of this after-final amendment because no new issues requiring further search or consideration are believed to be raised by the proposed claim amendments. More specifically, Claim 1 is being amended to include the subject matter of now-cancelled associated dependent Claim 5. As this subject matter was considered when examining previous Claim 5, Applicant respectfully submits that no new issues are believed to be raised when combining independent Claim 1 and associated dependent Claim 5 into a single claim. The amendments to Claims 6, 15 and 16 merely change the dependencies of these claims so that they do not refer to claims being cancelled with this amendment. Thus, the amendments to Claims 6, 15 and 16 are not believed to raise new issues either. Accordingly, entry and consideration of the amendments to Claims 1, 6, 15 and 16 is respectfully requested.

Claims 1-3, 5-8 and 10-26 stand rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over Claims 1-19 of United States Patent No. 7,387,141 to Tanno et al. As indicated above, Claims 5, 7, 8, 10-14 and 21-26 are being cancelled, thereby rendering this rejection moot with respect to these claims. However, with respect to Claims 1-3, 6, and 15-20, Applicant respectfully traverses this rejection.

Applicant respectfully submits that the Tanno et al. reference does not disclose or suggest all of the featured defined in amended independent Claim 1. More specifically, Applicant respectfully submits that the following feature of amended independent Claim 1 is not obvious over the claims of the Tanno et al. patent: “one of the radially inner and outer

surfaces has widthwisely extending notches, and the other of the radially inner and outer surfaces has longitudinally extending notches.”

One example of an embodiment of the invention defined in amended independent Claim 1 is shown in Applicant’s Figure 7. Figure 7 shows one example of a belt-shaped sound absorbing member 5C. This member includes widthwisely extending notches 9 on the radially inner surface 5C2 and longitudinally extending notches 10 on the radially outer surface 5C1. Of course, the locations of the longitudinally extending notches and the widthwisely extending notches may be reversed and still satisfy the language of amended Claim 1.

In contrast, the claims of the Tanno et al. patent fail to disclose or render obvious a configuration that includes, *inter alia*, a set of widthwisely extending notches on one of the radially inner surface or the radially outer surface and a set of longitudinally extending notches on the other of the radially inner surface or the radially outer surface. Initially, the claims of Tanno et al. merely define irregularities, and not widthwisely extending notches or longitudinally extending notches.

Further, even assuming *arguendo* that the irregularities of the claims of Tanno et al. satisfied the claimed notches, the claims of Tanno et al. only define the use of irregularities on the radially inner surface, and fail to disclose the use of such irregularities on a radially outer surface. More specifically, Claims 3 and 14 of the Tanno et al. patent specifically define that the irregular surface is on “the inner peripheral surface.” Additionally, although Claims 6 and 17 merely state that there is an irregularity formed on “a

surface,” this surface is part of a second porous material that is formed on the “cavity-facing surface” (i.e., radially inner surface) of the band-shaped sound absorbing material, and not a surface of part of the original band-shaped sound absorbing material .

Moreover, the claims of the Tanno et al. patent do not render obvious a configuration in which the irregularities are formed on two different surfaces of a band-shaped sound absorbing member, since the claims of the Tanno et al. patent merely define the use of such irregularities on a single surface of the band-shaped sound absorbing member.

Additionally, the claims of the Tanno et al. patent do not render obvious a configuration in which one type of notches is used on the radially inner surface and a different type of notches is used on the radially outer surface, as defined in independent Claim 1 of the present application.

Accordingly, as all of the features of independent Claim 1 are not disclosed or rendered obvious by the claims of the Tanno et al. patent, Applicant respectfully requests the withdrawal of this obviousness-type double patenting rejection of independent Claim 1 and associated dependent Claims 2, 3, 6, and 15-20.

Further, Applicant also separately traverses this obviousness-type double patenting rejection as it applies to dependent Claims 3 and 20. More specifically, Applicant respectfully submits that the claims of the Tanno et al. patent do not render obvious all of the features of dependent Claim 3, such as the feature recited by the following language: “the radius of curvature of the radially outer surface [of the belt-shaped sound absorbing member] being 0.7 to 1.3 times longer than that of the radially inner surface of the tread.” Instead, the

claims of the Tanno et al. patent fail to mention anything regarding any relationship between the radius of curvature of the radially outer surface of the belt-shaped sound absorbing member and the radially inner surface of the tread.

With regard to dependent Claim 20, the claims of the Tanno et al. patent do not render obvious a configuration in which “the fixing elastic band is arranged so as to pass through the inside of the belt-shaped sound absorbing member.” One example of such a configuration is shown in Applicant’s Figure 6, which shows fixing elastic band 6 passing through the inside of the belt-shaped sound absorbing member 5C. Instead, the claims of the Tanno et al. patent merely refer to the elastic fixing band being on the inner peripheral surface of the sound absorbing material (e.g., Claim 1) or the outer peripheral surface of the sound absorbing material (e.g., Claim 12).

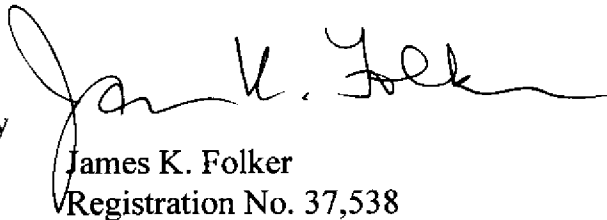
Thus, for these additional reasons, Applicant also respectfully requests the withdrawal of this rejection of dependent Claims 3 and 20.

For all of the above reasons, Applicant requests reconsideration and allowance of the claimed invention. Should the Examiner be of the opinion that a telephone conference would aid in the prosecution of the application, or that outstanding issues exist, the Examiner is invited to contact the undersigned.

If a Petition under 37 C.F.R. §1.136(a) for an extension of time for response is required to make the attached response timely, it is hereby petitioned under 37 C.F.R. §1.136(a) for an extension of time for response in the above-identified application for the period required to make the attached response timely. The Commissioner is hereby authorized to charge fees which may be required to this application under 37 C.F.R. §§1.16-1.17, or credit any overpayment, to Deposit Account No. 07-2069.

Respectfully submitted,

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